

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36415

STATE OF IDAHO,	)	2010 Unpublished Opinion No. 315
	)	
Plaintiff-Respondent,	)	Filed: January 20, 2010
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
JOSE FERNANDO AYALA,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. John K. Butler, District Judge.

Judgment of conviction and concurrent unified sentences of ten years, with three years determinate, for battery with intent to commit a serious felony and for burglary, affirmed.

Molly J. Huskey, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Before LANSING, Chief Judge, GUTIERREZ, Judge  
and MELANSON, Judge

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PER CURIAM

Jose Fernando Ayala was charged with rape and burglary and pursuant to a plea agreement, entered and *Alford*<sup>1</sup> plea to an amended charge of battery with intent to commit a serious felony, Idaho Code §§ 18-903, 18-911, and to burglary, I.C. § 18-1401. Ayala was sentenced to concurrent unified terms of ten years, with three years determinate. Ayala appeals from his judgment of conviction and sentences, contending that the district court abused its discretion by imposing excessive sentences.

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<sup>1</sup> *North Carolina v. Alford*, 400 U.S. 436 (1966).

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing the sentences. Accordingly, Ayala's judgment of conviction and sentences are affirmed.